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NORTHERN DISTRICT OF CALIFORNIA

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 TOP VICTORY ELECTRONICS
13 (TAIWAN) CO., LTD., a Taiwanese
corporation; TPV
14 INTERNATIONAL (USA), INC., a
California corporation; TPV
15 ELECTRONICS (FUJIAN) CO.,
LTD., a Chinese corporation; TOP
16 VICTORY ELECTRONICS
17 (FUJIAN) CO., LTD., a Chinese
corporation; and ENVISION
18 PERIPHERALS, INC., a California
corporation,

19 Plaintiffs,

20 v.

21 HITACHI, LTD., a Japanese
corporation; INPRO LICENSING
22 SARL, a Luxembourg SARL,

23 Defendants.
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Case No. 10 1579

COMPLAINT FOR
DECLARATORY JUDGMENT

CRB

1 Plaintiffs TOP VICTORY ELECTRONICS (TAIWAN) CO., LTD.,
2 TPV INTERNATIONAL (USA), INC., TPV ELECTRONICS (FUJIAN) CO.,
3 LTD., TOP VICTORY ELECTRONICS (FUJIAN) CO., LTD., and ENVISION
4 PERIPHERALS, INC. (collectively, "Plaintiffs"), for their claims for relief herein
5 against defendants HITACHI, LTD. and INPRO LICENSING SARL, aver as
6 follows:

7 **JURISDICTION AND VENUE**

8 1. This is an action for declaratory judgment of non-infringement,
9 invalidity, and unenforceability of eighteen United States patents pursuant to the
10 Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the patent laws of the
11 United States, 35 U.S.C. § 100 *et seq.*

12 2. In their Claim for Relief, Plaintiffs seek a judicial declaration
13 that Plaintiffs' television products do not infringe United States Patent Nos.
14 5,502,497; 5,534,934; 5,828,417; 6,037,995; 6,057,812; 6,185,228; 6,304,236;
15 6,388,713; 6,549,243; 6,600,870; 6,639,588; 6,686,895; 6,693,966; 7,012,769;
16 7,089,342; 7,286,310; 7,475,180; and 7,475,181 (the "PATENTS-IN-SUIT")
17 and/or that the PATENTS-IN-SUIT are invalid or unenforceable.

18 3. This Court has original jurisdiction over the Claim for Relief
19 under 28 U.S.C. §§ 1331 and 1338(a).

20 4. Venue is proper in this district under 28 U.S.C. §1391(b) and
21 (d). Plaintiffs TPV INTERNATIONAL (USA), INC. and ENVISION
22 PERIPHERALS, INC. are California corporations. Plaintiff ENVISION
23 PERIPHERALS, INC. has its headquarters in Alameda County, California. This
24 action includes patent-based declaratory judgment claims arising from conduct
25 occurring in or directed to Alameda County.

26 **INTRADISTRICT ASSIGNMENT**

27 5. This is an Intellectual Property Action and shall therefore be
28 assigned on a district-wide basis in accordance with Local Rule 3-2(c).

PARTIES

6. Plaintiff TOP VICTORY ELECTRONICS (TAIWAN) CO., LTD. is, and at all times material hereto was, a corporation organized and existing under the laws of Taiwan with its principal place of business in Zhonghe City, Taiwan.

7. Plaintiff TPV INTERNATIONAL (USA), INC. is, and at all times material hereto was, a corporation organized and existing under the laws of the State of California with its principal place of business in Austin, Texas.

8. Plaintiff TPV ELECTRONICS (FUJIAN) CO., LTD. is, and at all times material hereto was, a corporation organized and existing under the laws of the People's Republic of China with its principal place of business in Fuqing City, China.

9. Plaintiff TOP VICTORY ELECTRONICS (FUJIAN) CO., LTD. is, and at all times material hereto was, a corporation organized and existing under the laws of the People's Republic of China with its principal place of business in Fuqing City, China.

10. Plaintiff ENVISION PERIPHERALS, INC. is, and at all times material hereto was, a corporation organized and existing under the laws of the State of California with its principal place of business in Fremont, California.

11. On information and belief, defendant HITACHI, LTD. ("HITACHI") is, and at all times material hereto was, a corporation organized and existing under the laws of Japan.

12. On information and belief, defendant INPRO LICENSING SARL ("INPRO") is, and at all times material hereto was, an SARL organized and existing under the laws of the Luxembourg.

CLAIM FOR RELIEF

13. Plaintiffs repeat and incorporate here the allegations of paragraphs 1 through 12 of this complaint.

1 14. On information and belief, HITACHI claims to be the owner or
2 the exclusive licensee of the eighteen PATENTS-IN-SUIT:

3 U.S. Patent No. 6,057,812, issued May, 2, 2000, and titled
4 “Image Display Apparatus Which Both Receives Video Information And Outputs
5 Information About Itself,” a true and correct copy which is attached hereto as
6 **Exhibit A;**

7 U.S. Patent No. 6,304,236, issued October 16, 2001, and titled
8 “Display Apparatus For Adjusting The Display Image Using A Control Signal
9 From An External Computer,” a true and correct copy of which is attached hereto
10 as **Exhibit B;**

11 U.S. Patent No. 6,639,588, issued October 28, 2003, and titled
12 “Image Display Apparatus,” a true and correct copy of which is attached hereto as
13 **Exhibit C;**

14 U.S. Patent No. 6,686,895, issued February 3, 2004, and titled
15 “Display Unit For Displaying An Image Based On A Video Signal Received From
16 A Personal Computer Which Is Connected To An Input Device,” a true and correct
17 copy of which is attached hereto as **Exhibit D;**

18 U.S. Patent No. 7,089,342, issued August 8, 2006, and titled
19 “Method Enabling Display Unit To Bi-Directionally Communicate With Video
20 Source,” a true and correct copy of which is attached hereto as **Exhibit E;**

21 U.S. Patent No. 7,475,180, issued January 6, 2009 and titled
22 “Display Unit With Communication Controller And Memory For Storing
23 Identification Number For Identifying Display Unit,” a true and correct copy of
24 which is attached hereto as **Exhibit F;** and

25 U.S. Patent No. 7,475,181, issued January 6, 2009 and titled
26 “Display Unit With Processor And Communication Controller Which
27 Communicates Information To The Processor,” a true and correct copy of which is
28 attached hereto as **Exhibit G;** and

1 U.S. Patent No. 5,502,497, issued March 26, 1996 and titled
2 "Television Broadcasting Method And System Enabling Picture Broadcasting From
3 The Transmitting Equipment To The Receiving Equipment Using Alternative
4 Broadcasting System Standards," a true and correct copy of which is attached
5 hereto as **Exhibit H**; and

6 U.S. Patent No. 5,534,934, issued July 9, 1996 and titled
7 "Television Receiver Capable Of Enlarging And Compressing Image," a true and
8 correct copy of which is attached hereto as **Exhibit I**; and

9 U.S. Patent No. 5,828,417, issued October 27, 1998 and titled
10 "Television Receiver With On Screen Display For Reserving Programs To Be
11 Recorded Or Viewed," a true and correct copy of which is attached hereto as
12 **Exhibit J**; and

13 U.S. Patent No. 6,037,995, issued March 14, 2000 and titled
14 "Broadcasting And Communication Receiver Apparatus," a true and correct copy
15 of which is attached hereto as **Exhibit K**; and

16 U.S. Patent No. 6,185,228, issued February 6, 2001 and titled
17 "Receiving Apparatus For Digital Broadcasting Signal And
18 Receiving/Recording/Reproducing Apparatus Thereof," a true and correct copy of
19 which is attached hereto as **Exhibit L**; and

20 U.S. Patent No. 6,388,713, issued May 14, 2002 and titled
21 "Image Display Apparatus, And Method To Prevent Or Limit User Adjustment Of
22 Displayed Image Quality," a true and correct copy of which is attached hereto as
23 **Exhibit M**; and

24 U.S. Patent No. 6,549,243, issued April 15, 2003 and titled
25 "Digital Broadcast Receiver Unit," a true and correct copy of which is attached
26 hereto as **Exhibit N**; and

27 U.S. Patent No. 6,600,870, issued July 29, 2003 and titled
28 "Input-Output Circuit, Recording Apparatus And Reproduction Apparatus For

1 Digital Video Signal,” a true and correct copy of which is attached hereto as
2 **Exhibit O**; and

3 U.S. Patent No. 6,693,966, issued February 17, 2004 and titled
4 “Transmitting And Recording Method, Reproducing Method, And Reproducing
5 Apparatus Of Information And Its Recording Medium,” a true and correct copy of
6 which is attached hereto as **Exhibit P**; and

7 U.S. Patent No. 7,012,769, issued March 14, 2006 and titled
8 “Digital Information Recording/Reproducing Apparatus,” a true and correct copy of
9 which is attached hereto as **Exhibit Q**; and

10 U.S. Patent No. 7,286,310, issued October 23, 2007 and titled
11 “Apparatus For Receiving Compressed Digital Information,” a true and correct
12 copy of which is attached hereto as **Exhibit R**.

13 15. On information and belief, INPRO is a co-owner, licensee, or
14 licensing agent with respect to the PATENTS-IN-SUIT, or otherwise claims an
15 interest therein.

16 16. Defendants HITACHI and INPRO (collectively “Defendants”)
17 have accused Plaintiffs of infringing the PATENTS-IN-SUIT by Plaintiffs’
18 manufacture and sale of televisions in the United States, and have threatened to
19 bring an action against Plaintiffs under 35 U.S.C. §§ 271(a), (b) and/or (c) alleging
20 that Plaintiffs have infringed the PATENTS-IN-SUIT by Plaintiffs’ manufacture
21 and sale of television products.

22 17. Plaintiffs deny that they have infringed, or have contributed to
23 or actively induced infringement of any valid and enforceable claim of any of the
24 PATENTS-IN-SUIT through their manufacture and sale of television products.
25 Therefore, an actual and justiciable controversy exists between Plaintiffs and
26 Defendants regarding infringement, validity, and enforceability of the PATENTS-
27 IN-SUIT. This actual and justiciable controversy arises under federal patent law.

28 18. Plaintiffs seek a declaratory judgment that they have not

1 infringed, contributed to, or actively induced such infringement of the PATENTS-
2 IN-SUIT by any of their actions and/or a declaratory judgment that the PATENTS-
3 IN-SUIT are invalid and/or unenforceable.

4 19. A judicial declaration is necessary and appropriate at this time
5 pursuant to 28 U.S.C. § 2201, so that Plaintiffs may ascertain their rights and duties
6 with respect to the PATENTS-IN-SUIT.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray for judgment in their favor as follows:

9 1. For a judicial declaration that the PATENTS-IN-SUIT, and each
10 of them, are not and have not been infringed by Plaintiffs, and that the same are
11 invalid and/or unenforceable;

12 2. That the Court determine that this is an extraordinary case and
13 award Plaintiffs their attorneys' fees and litigation expenses under 28 U.S.C. §
14 1927, 35 U.S.C. § 285, and any other applicable statute or rule; and

15 3. That the Court award Plaintiffs such other and further relief as
16 the Court deems just and proper.

17
18 Dated: April 14, 2010

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21 RYAN K. YAGURA
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